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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 30th August, 1974:—

### I

BILL No. XXXIV OF 1974

*A Bill further to amend the Industrial Disputes Act, 1947.*

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. (i) This Act may be called the Industrial Disputes (Amendment) Act, 1974.

(ii) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

14 of 1947,

2. In section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), in sub-clause (iv) of clause (s), for the words "draws wages" the words "draws basic wages" shall be substituted.

Amendment of section 2.

3. In section 11 of the principal Act, in sub-section (7), for the words "before a Labour Court, Tribunal or National Tribunal shall be in the discretion of that Labour Court, Tribunal or National Tribunal and the Labour Court, Tribunal or National Tribunal, as the case may be" the words "before a Labour Court, Tribunal, National Tribunal or an Arbitrator shall be in the discretion of that Labour Court, Tribunal, National Tribunal or the Arbitrator and the Labour Court, Tribunal, National Tribunal or the Arbitrator, as the case may be," shall be substituted,

Amendment of section 11.

## STATEMENT OF OBJECTS AND REASONS

Owing to high inflation, the value of real wages is fast declining. The value in terms of real wages of a remuneration of five hundred rupees per month now is certainly not what it used to be in 1947 or immediately succeeding years. Taking the year 1939 as base and equivalent to 100 points, the price-index has reached somewhere in the region of 1300 points. A large part of an industrial employee's wages consists of dearness allowance. So the present day total emoluments of an industrial worker should not and cannot be considered as his wages for the purpose as in that case it will violate the spirit of the Act and defeat its purpose. This mischief can be removed if 'wage' is meant to be only the basic wage of the worker, for the purpose of discriminating the status, as to whether a 'supervisory' staff is a 'workman' or not.

2. There is no reason why an Arbitrator appointed under this Act should not have the power to award costs, while this power has been given to all the other authorities. Perhaps, this power to the Arbitrator under sub-section (7) of the section 11 of the Act was omitted inadvertently.

The proposed amendments in the Bill seek to remove this lacunae.

DWIJENDRALAL SEN GUPTA.

## II

## BILL No. XXXVI of 1974

*A Bill further to amend the Representation of the People Act, 1951.*

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:--

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1974.

Short  
title and  
com-  
mence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1951

2. In section 8 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (1), for the words, figures and brackets "or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act" the words, figures and brackets "or under section 123 or section 125 or section 126 or section 127A or section 130 or section 135 or clause (a) of sub-section (2) of section 136 of this Act" shall be substituted.

Amend-  
ment of  
section 8.

3. In section 11A of the principal Act, in clause (a) for the words, figures and brackets "or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act" the words, figures and brackets "or under section 123 or section 125 or section 126 or section 127A or section 130 or section 135 or clause (a) of sub-section (2) of section 136 of this Act" shall be substituted.

Amend-  
ment of  
section  
11A.

Amend-  
ment of  
section  
123.

4. In section 123 of the principal Act, after clause (5), the following clauses shall be inserted, namely:—

“5A. The printing or publication or causing to be printed or published any election pamphlet or poster within a period of thirty days ending with the date on which the election is to be held by a contesting candidate or his agent.

5B. Convening, holding or attending any public meeting by a contesting candidate or his agent in any polling area within the period prohibited under section 126 of this Act.

5C. Conviction for any offence under sub-section (1) of section 130 of the Act.”

Amend-  
ment of  
section  
126.

5. In section 126 of the principal Act, in sub-section (1), for the words “during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll” the words “during the period of thirty days ending with the date or dates on which the poll is taken till the hour fixed for the conclusion of the poll” shall be substituted.

Amend-  
ment of  
section  
127A.

6. In section 127A of the principal Act,—

(i) at the end of sub-section (1), after the words “and the publisher thereof” the words “and no such pamphlet or poster shall be printed during a period of thirty days ending with the date or dates on which the poll is to be taken” shall be added.

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

‘(1A) All pamphlets and posters referred to in sub-section (1) shall bear on its face the date of their printing and circulation.

Amend-  
ment of  
section  
130.

7. In section 130 of the principal Act, in sub-section (1), for the words “on the date or dates on which a poll is taken” the words “during a period of thirty days ending with the date or dates on which a poll is taken till the hour fixed for the conclusion of the poll” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Now-a-days, rules regarding election expenses as prescribed in pursuance of sub-section (3) of section 77 of the Representation of the People Act, 1951 are observed more in the breach. The expenditure in connection with the election by a certain class of person and their agents has reached the sky. Thanks to black money, elections are often vitiated. Money is collected from various sources, mostly donations, and is lavishly spent on propaganda, posters, meetings, volunteers, vehicles, etc., or in feasts to the electorate, or in thinly disguised illegal gratification in the name of subscriptions, donations or charities to clubs, theatres and educational institutions etc., and to various parties. These expenditure are incurred mostly during the month preceding the date of the poll when the tempo of the electioneering is at its peak. Choice in such polluted circumstances becomes 'money oriented' instead of being 'service oriented'. This practice is highly objectionable and corrupt and amounts to a fraud and should be put to a stop to ensure choice of a candidate uninfluenced by extraneous considerations. The electorate in our country, by and large are not educated, and are easily swayed by such corrupt practices. The honest but poor contestant cannot compete with such persons. He has no money to squander; his qualifications and sacrifices for the country, are poor substitutes for the glittering gold dangled by the unscrupulous rival contestants, without any record of service. The electioneering should be a process of service and through service alone during the period of five years to the people of the constituency, and not a stunt or a hoax or a fraud. One or two months' electioneering may be intensive but expensive. The politics of black money and hoax on the eve of elections should be banned altogether as corrupt practice in the interest of fair and free elections.

The Bill seeks to achieve the above-mentioned purpose by amending the relevant provisions of the Representation of the People Act, 1951.

DWIJENDRALAL SEN GUPTA.

B. N. BANERJEE,  
*Secretary-General.*

